

TRANSMITTAL LETTER TO THE UNITED STATES

NEOME-019A1US

DESIGNATED/ELECTED OFFICE (DO/EO/US)

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

TBD 10/560266

INTERNATIONAL APPLICATION NO.

PCT/US2004/018483

INTERNATIONAL FILING DATE

10 JUNE 2004

PRIORITY DATE CLAIMED

10 JUNE 2003

TITLE OF INVENTION

DEVICE AND METHODS USEABLE FOR TREATMENT OF GLAUCOMA AND OTHER SURGICAL PROCEDURES

APPLICANT(S) FOR DO/EO/US

NEOMEDIX CORPORATION

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. **EV759453858US**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | |
|--|--|---|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="font-size: 2em; font-weight: bold; text-align: center;">10/560268</div> <div style="text-align: center;">TBD</div> | INTERNATIONAL APPLICATION NO. <div style="text-align: center; font-weight: bold;">PCT/US2004/018483</div> | ATTORNEY'S DOCKET NUMBER <div style="text-align: center; font-weight: bold;">NEOME-019A1US</div> |
| 23. Other items or information: | | |
| The following fees have been submitted: 24. <input checked="" type="checkbox"/> Basic national fee \$300 | | CALCULATIONS PTO USE ONLY \$ \$300.00 |
| 25. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . . \$0 All other situations. \$200 | | \$ \$200.00 |
| 26. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . . . \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority. \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB. \$400 All other situations. \$500 | | \$ \$100.00 |
| TOTAL OF 24, 25 and 26 = | | \$ \$600.00 |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) |
| 35 - 100 = | 0 /50 = | 0 |
| | | x \$250.00 |
| Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)). | | \$ |
| CLAIMS | NUMBER FILED | NUMBER EXTRA |
| Total claims | 53 - 20 = | 33 |
| Independent claims | 3 - 3 = | 0 |
| | | x \$200.00 |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00 | | \$ \$0.00 |
| TOTAL OF ABOVE CALCULATIONS = | | \$ \$2,250.00 |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2. | | \$ \$1,125.00 |
| SUBTOTAL = | | \$ \$1,125.00 |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). <div style="text-align: right;">+</div> | | \$ \$0.00 |
| TOTAL NATIONAL FEE = | | \$ \$1,125.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property + | | \$ \$0.00 |
| TOTAL FEES ENCLOSED = | | \$ \$1,125.00 |
| Amount to be | | \$ |
| Amount to be | | \$ |

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- APR 13 2006 PCT/PTO 09 DEC 2005**
- a. ☒ A check in the amount of \$ \$1,125.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0878. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Robert D. Buyan
STOUT, UXA, BUYAN & MULLINS, LLP
4 Venture, Suite 300
Irvine, CA 92618


SIGNATURE

Robert D. Buyan

NAME

32,460

REGISTRATION NUMBER

December 9, 2005

DATE

10/560266

IAPI3 Rec'd PCT/PTO 09 DEC 2005

Attorney Docket No. NEOME-019A1US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-------------------------------------|---|----------------------------|
| In re Application of: |) | |
| Mittelstein, et al. |) | Art Unit: To Be Determined |
| |) | |
| Serial No.: To Be Determined |) | Examiner: To Be Determined |
| |) | |
| Corresponding to: PCT/US04/018483 |) | |
| |) | |
| Filed: December 9, 2005, Herewith |) | |
| |) | |
| For: Device and Methods Useable for |) | |
| Treatment of Glaucoma and Other |) | |
| <u>Surgical Procedures</u> |) | |

CERTIFICATE OF MAILING

(United States National Stage Application Based on PCT/US04/018483)

Express Mail Label No: EV759453858US

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that the following documents as identified below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on December 9, 2005, addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

1. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 USC 371;
2. English Translation of International Application as Filed/Published under the PCT, (22 pages of written specification, 8 pages of claim, 5 sheets of drawings (Figs. 1-5B) and an abstract of 1 page);

10/560266

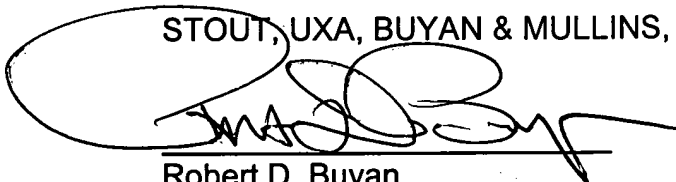
3. Check No. 3915 in the amount of \$1,125.00 to cover national stage filing fees;
4. A return postcard.

JAP13 Rec'd PCT/PTO 09 DEC 2005

Each of the 4 above-identified documents are enclosed herewith.

Respectfully submitted,

STOUT, UXA, BUYAN & MULLINS, LLP

A handwritten signature in black ink, appearing to read 'Robert D. Buyan', is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

Robert D. Buyan
Registration No. 32, 460

Date: December 9, 2005

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